

REMARKS

As of the previous Amendment and Reply, claims 1-9 and 11-14 were pending in the application. Claims 7 and 8 have been amended to correct minor errors. New claim 15 has been added. Support for new claim 15 may be found, e.g., on page 4, lines 12-16 of the present application. Therefore, claims 1-9 and 11-15 are now pending in the present application. Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

The claims have not been amended to remove the reference numbers. According to MPEP 608.01(m), "The use of reference characters is to be considered as having no effect on the scope of the claims."

Allowable Subject Matter

The Examiner is sincerely thanked for indicating that claims 6-8 contain allowable subject matter. In the previous Amendment and Reply, claim 6 was placed in independent form. Further, "lower" (second to last line) was changed to "higher" to harmonize claim 6 with the specification, as discussed. Claim 6, and dependent claims 7 and 8, are believed to be in condition for allowance.

Prior Art Rejections

Claims 1, 3-5, and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,823,006 to Danilatos et al. (hereinafter "Danilatos") in view of U.S. Patent No. 3,624,391 to Saffron (hereinafter "Saffron"). Claims 2 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Danilatos and Saffron in view of U.S. Patent No. 5,481,401 to Kita et al. (hereinafter "Kita") and U.S. Patent No. 3,634,689 to Ejiri et al. (hereinafter "Ejiri"). Applicant respectfully traverses the rejections for at least the following reasons.

Amended claim 1 recites a microscope having a configuration of a conventional microscope, comprising an electron beam objective. An advantage of this feature is that the microscope "achieves the resolution of conventional scanning electron microscopes and possesses an economical configuration." (Page 2, lines 11-14.) None of the cited references teaches, suggests, or discloses this feature.

Kita discloses an ultraviolet microscope having ultraviolet objectives 22. (Col 6, lines 9-21.) Kita does not teach, suggest, or disclose a microscope having a configuration of a conventional microscope, comprising an electron beam objective. According to page 3 of the Office Action, "Kita seems to suggest the use of a combination of a scanning electron microscope and an ultraviolet microscope as seen in col. 1, lines 26-27." Applicant disagrees. Rather, the cited disclosure states, "A scanning electron microscope (SEM) and an ultraviolet microscope are used to observe microstructures." Applicant asserts that, absent hindsight, the only rational meaning of this passage is: scanning electron microscopes are used to observe microstructures, and ultraviolet microscopes are used to observe microstructures. The following paragraph (col. 1, lines 28-41) discloses advantages and detriments of each of the microscopes—e.g., scanning electron microscopes (but not ultraviolet microscopes) require a vacuum atmosphere. It is clear from such a description that a combination of scanning electron microscopes and ultraviolet microscopes is neither suggested nor conceivable from the cited disclosure.

Therefore, Kita does not teach, suggest, or disclose a microscope having a configuration of a conventional microscope, comprising an electron beam objective. While other cited references may disclose electron microscopes, none of the other cited references teaches, suggests, or discloses a microscope having a configuration of a conventional microscope. Further, Kita teaches away from using scanning electron microscopes, because of several disadvantages not present in ultraviolet microscopes. Thus, one skilled in the art would not be motivated to combine Kita with any of the other references to arrive at a microscope having a configuration of a conventional microscope, comprising an electron beam objective. Thus, amended claim 1, and all claims dependent therefrom, are believed to be patentable over the cited references. Withdrawal of the rejections is respectfully requested.

Previously presented claim 11 recites a revolveable nosepiece and an electron beam objective supported by the nosepiece. Claim 11, and dependent claim 12, are believed to be patentable over the cited art for similar reasons as claim 1. Previously presented claims 13 and 14 are believed to be patentable over the cited art for similar reasons as claim 6. New claim 15 is believed to be patentable over the cited art for similar reasons as claim 1.

Conclusion

Applicant believes that the present application is in condition for allowance, and favorable reconsideration is requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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